

Court Staff Access and Use Policy

PURPOSE

To guide access to and use of INSPECT by court staff in order to maintain the confidentiality of INSPECT data.

SCOPE

This policy applies to all court staff that are registered INSPECT accountholders.

DEFINITIONS

Court staff means:

- (a) Indiana certified probation officers (IC 11-13) employed by an Indiana probation department,
- (b) Court alcohol and drug program staff employed by or contracted to provide certified court alcohol and drug program services (IC 12-23-14) to a court in Indiana, and
- (c) Problem-solving court staff employed by or contracted to provide certified problem-solving court services (IC 33-23-16) to a court in Indiana.

Community supervision means the monitoring of an individual in the community by a court in Indiana under an active case number by a probation department, a court alcohol and drug program pursuant to IC 12-23-14 or problem-solving court pursuant to IC 33-23-16.

STATEMENT OF POLICY

Each court staff member granted access to INSPECT holds a position of trust and must preserve the confidentiality of the INSPECT data. INSPECT court staff users must meet specific eligibility requirements and must abide by all applicable federal and state laws including, but not limited to, IC 35-48-7, 42 CFR Part 2, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and Indiana Administrative Rule 9. INSPECT users must also utilize the system in accordance with Indiana Board of Pharmacy approved usage guidelines. Misuse of INSPECT data may result in civil or criminal liability in addition to the suspension/revocation of the user's account access privileges.

REFERENCE

IC-35-48-7-11.1

USAGE GUIDELINES

1. *INSPECT Account Eligibility and Approval*: certain designated court staff are eligible for INSPECT accounts. Court staff eligible for INSPECT access are:

- (a) A chief probation officer of a probation department and/or his/her designee(s) (no more than two individuals per probation department may have access);

(b) A court alcohol and drug program director and/or his/her designee(s) (no more than two individuals per court alcohol and drug program may have access); and

(c) A problem-solving court coordinator and/or his/her designee(s) (no more than two individuals per problem-solving court may have access).

Requests for exceptions to the eligibility policy based on the number of authorized users per department, program or court may be considered on a case-by-case basis.

A court staff member seeking access to INSPECT who is a chief probation officer, court alcohol and drug program director or a problem-solving court coordinator or a designee of one of these individuals in accordance with this policy and approved by the Indiana Board of Pharmacy and the Indiana Judicial Center becomes a registered accountholder.

2. *Scope of Account Use*: each registered accountholder is eligible to request an INSPECT Patient Prescription (Rx) History Report via the INSPECT PMP WebCenter in conjunction with the accountholder's assigned employment/contractual duties as herein authorized. An accountholder may request an INSPECT Report only for the following reasons:

- (a) In the course of completing a presentence investigation (PSI) pursuant to IC 35-38-1-9 in order to assist the court in determining sentencing matters, including the conditions of community supervision;
- (b) In the course of determining eligibility or suitability for a program, service or community supervision condition; and/or,
- (c) In the course of case managing an individual on community supervision, either pre- or post-conviction, if the individual's conditions of community supervision and/or program participation require the individual to abstain from the use of controlled substances or undergo chemical testing to detect and confirm the presence of a controlled substance.

A registered accountholder must verify his/her authority to submit a request for each INSPECT Report in conjunction with one of the authorized reasons by submitting the case number associated with the active case.

Only the registered accountholder may use his/her INSPECT username and password. Each individual who seeks access to INSPECT must be an authorized and approved user pursuant to this policy.

A registered accountholder is not permitted to request an INSPECT Report based solely on the contents or findings of another INSPECT Report.

3. *Contents of Report*: An INSPECT Patient Rx History Report provides an overview of a patient prescription activity for a specific period of time. The information contained in the report is submitted to

INSPECT by the dispensing pharmacy within 24 hours (or the next business day) from the date on which the drug was dispensed to the patient. Prescriptions dispensed on an outpatient basis at hospital pharmacies or doctors' offices are only legally required to be reported after January 1, 2009, for prescriptions of more than a 72-hour supply, and may not be present on any INSPECT Rx History Reports until after that date.

An INSPECT Patient Rx History Reports provide only a snapshot of information regarding a patient at a given point in time and may not be complete dependent upon when a prescription was filled and when information was submitted to INSPECT. INSPECT Reports should be updated regularly to ensure that the contents are current.

4. *Limited Use of Report Information:* The information contained in the INSPECT Patient Rx History Report is not evidence and is a decision-making and supervision tool only. INSPECT data alone cannot be used to sanction, terminate or revoke an individual under a court's jurisdiction.

5. *Report Information Sharing:* The information contained in the INSPECT Patient Rx History Report is privileged medical treatment information and confidential pursuant to law. Registered accountholders may share INSPECT information with:

- (a) The court charged with implementing or monitoring the community supervision of the subject of the INSPECT Report,
- (b) Other individuals within the authorized user's agency/department who need this information in order to carry out assigned employment responsibilities,
- (c) Parties to the case if the authorized user is completing a PSI on the subject of the INSPECT Report, and
- (d) The problem-solving court team if the subject of the INSPECT Report is being considered for problem-solving court participation or is a problem-solving court participant.

The report, or the contents of the report, should never be faxed, mailed, emailed or otherwise disseminated. The report, or the contents of the report, should also never be given directly to the patient for whom the report was generated.

6. *Storing Report Information:* If the INSPECT Patient Rx History Report is stored by a registered accountholder within an office/agency location, it must be clearly marked confidential and "Do Not Copy" and properly secured to prevent unauthorized access.

7. *Role of INSPECT Staff:* Each registered accountholder or non-acountholder will not receive confidential prescription information from the INSPECT staff over the phone. Each registered accountholder or non-acountholder should not expect the INSPECT staff to serve in a liaison role between themselves and the courts. INSPECT staff has no personal or prior knowledge of the contents of INSPECT Rx History Reports, and they should never be subpoenaed or formally called upon by a court to examine, explain, interpret, or otherwise participate in the evaluation of an INSPECT Rx History Report.